

AO 91 (Rev. 02/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the  
District of Massachusetts

United States of America  
v.  
JEFFERY L. CLEMENS

Defendant

3:10 MJ 7020

Case No. 10M-1016-JGD

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of 03/08/2010 in the county of Plymouth in the  
\_\_\_\_\_, the defendant violated \_\_\_\_\_  
, an offense described as follows: \_\_\_\_\_  
\_\_\_\_\_ 18 \_\_\_\_\_ U. S. C. § 875(c)

Interstate communications containing a threat to injure the person of another.

This criminal complaint is based on these facts:

See Attached Affidavit.

☒ Continued on the attached sheet.



Complainant's signature


Special Agent Rachel R. Boisselle, FBI  
Printed name and title

Sworn to before me and signed in my presence.

Date: 3/16/10

City and state:

BOSTON, MA



Judge's signature

JUDITH G. DEIN, CHIEF US MAGISTRATE JUDGE  
Printed name and title

3:10 MJ 7020

104-1616-564

AFFIDAVIT

2010 MAR 17 AM 10:30

CLERK U.S. DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

I, Rachel R. Boisselle, being duly sworn, state as follows:

1. I am a Special Agent with the Federal Bureau of Investigation ("FBI") and have been so employed since 2005. I am currently assigned to the Violent Crimes Task Force in Boston. My assignment includes investigations for all violent crimes, including bank robberies, extortions and threats, as well as fugitive matters. As such, I know that it is a violation of Title 18, United States Code, Section 875(c) for a person to transmit in interstate or foreign commerce any communication containing any threat to injure the person of another.

2. The information set forth in this affidavit is based upon my investigation as well as information provided to other agents within the FBI. In submitting this affidavit, however, I have not included each and every fact known to me about the investigation, but only those facts that I believe are sufficient to establish probable cause in support of a criminal complaint and the issuance of an arrest warrant charging JEFFREY CLEMENS, 412 Dockway Drive, Huron, Ohio, with transmitting in interstate commerce, by use of electronic mail ("email") sent by computer, threats to injure other persons in violation of Title 18, United States Code, Section 875.

BACKGROUND

3. In May of 2007, CLEMENS filed a federal suit in the

District of Massachusetts alleging a violation of "42 U.S.C. § 1983 with respect to the Plaintiff's Fifth and Fourteenth Amendment Due Process Rights" against the Town of Scituate (the "Town"), as well as numerous individual defendants. [07-10845-RGS]<sup>1</sup>. During the course of the litigation, the Town and the individual defendants were represented by attorney Stephen C. Pfaff "(Pfaff)", of Louison, Costello, Condon & Pfaff of Boston, MA.

On May 29, 2009, U.S. District Court Judge Richard Stearns entered an order granting the defendant's motion for summary judgment. [D. 40].<sup>2</sup>

On August 18, 2009, CLEMENS filed another suit against the Town and others, this time alleging a violation of 28 U.S.C. 1332, [09-11821-WGY], but apparently based upon the same events referenced in the earlier suit. Once again, Pfaff represents the defendants.

On or about March 5, 2010, Pfaff filed a motion to dismiss the suit pursuant to Fed.R.Civ.P. 12(b)(6) as well as a

---

<sup>1</sup>CLEMENS alleged violations stemming from his arrest and conviction for disorderly conduct and impersonating a private investigator. He was found guilty on the disorderly conduct charge after trial and admitted to sufficient facts with respect to the private investigator. That charge resulted in a continuance without a finding.

<sup>2</sup>[D. ] references the docket entry. CLEMENS filed a notice of appeal but later, his appeal was voluntarily dismissed. [D.49].

3:10 MJ 7020

memorandum in support of the motion.

On or about March 8, 2010, Pfaff received an email from user identified as Sunhuron3@aol.com.<sup>3</sup> The e-mail was signed by CLEMENS. CLEMENS referenced the most recent lawsuit as well as his displeasure with Pfaff's filing of a Rule 12 motion to dismiss. Among the various statements made by CLEMENS to Pfaff were the following: that CLEMENS "will never allow the SPD and HDC (Hingham District Court) to get away with what they have done." "One way or another, I will have my day in court or the back alley..." "You, at this point, I assure you, will get what you deserve....I really truly and sincerely wish you were dead." "I am very much looking forward to putting you in your place, Mr. Pfaff." "From now on, be sure and watch your backside, Mr. Pfaff. God may step up to the plate at any moment. I dunno, I got this funny feeling someone's going to get hurt REAL BAD. And it ain't gonna be me." "Rationalize all you want but on Judgment Day you've had it."''

Additionally, on or about March 8, 2009, CLEMENS forwarded his email to Pfaff as an attachment to an email to the Town's Manager, Patricia Vinchesi. The text of the email to Ms. Vinchesi was "you all might be digging yourself a grave." The

---

<sup>3</sup>CLEMENS resides in Huron, Ohio.

<sup>4</sup>The email is produced in its entirety as Attachment A.

3-10 MJ 7020

email was signed Jeffrey Clemens.<sup>5</sup>

Based upon the foregoing, I submit that there is probable cause to believe that on or about March 8, 2010, JEFFREY CLEMENS did transmit in interstate commerce threats to injure the person of another in violation of 18 U.S.C. § 875(c).



Rachel R. Boisselle  
Special Agent  
Federal Bureau of Investigation

Subscribed and sworn to before me this 16th day of March, 2010.



JUDITH G. DEIN  
UNITED STATES MAGISTRATE JUDGE

---

<sup>5</sup>The email is produced in its entirety as Attachment B.

3:10 MJ 7020

Attachment A

FILED

2010 MAR 17 AM 10:39

CLERK U.S. DISTRICT COURT  
NORTH DISTRICT OF CALIF.

Dearest Mr. Pfaff:

The judge to whom you just motioned, William G. Young, by the way [perhaps you knew already] graduated Harvard Law with Alan Alexander, long and dear friend and associate to Ronald Bass, credited author of the movie Rain Man which you took it upon yourself to refer to in your recent motion before him [Young]. Only thing is, Mr. Bass went to Harvard Law School, too, and graduated but one year before Mr. Young.

Gee, do you suppose they knew each other? Exchanged notes? Took Civil Procedure together?

If you want to file crap like your Rule 12 motion, fine. Apparently, the truth means nothing to either you or the police [obviously, you motioned to avoid discovery]. Given the recent Stearns disqualification [which you failed to mention in your motion], I believe you are playing a dangerous game, a very dangerous game. I have every hunch someone is going to get hurt. At this point [years of police/court bullshit, and your crap], I'm rather hoping someone will [deserving of it, of course].

Have you ever been punched in the face? Well, I was, at PCCH, thanks to O'Hara and Moynahan and now, frankly, I rather hope you experience that same thrill someday, figuratively or otherwise, maybe even see one of your "clients" go to prison, you get disbarred, "taken to a chop shop on Staten Island", whatever.

There was never any "argument" between O'Hara and I on May 12, 2005. He is one lying son-of-a-bitch and you knew it on September 17, 2008 when you invited him to sit in on the Goyette deposition. And you knew O'Hara was going to lie at the September 18, 2008 "trial". And you now expect to let your misconduct be a basis for a Rule 12 motion? What, I pled to "sufficient facts"? Bullshit. There was never any sufficient facts to begin with much less plea to. You and your people systematically BUTTFUCKED me and knew it, too.

I will say it now, once. I, at this point, will not ever allow the SPD and HDC to get away with what they have done. They're an affront to all that is [pretended to be] American Democracy and Justice, as are you. One way or another, I will have my day in court or the back alley [hint, hint, veiled threat potential here].

You do be careful now, you hear? And by all means, run to your FBI friends, I would encourage it. After all, perjury is a federal offense too, especially when the victim is from out-of-state. Besides, it [you running to the feds] will give me a chance to make *my* case. Yeah, go ahead and call the FBI and say something like "Oh, Mr. Clemens "threatened me" in an email last night". Yeah, right. Five years, and this ain't over. And do you know why? I mean, really, why is this whole thing not over? Because of people like you, who crossed the line [in September 2008], and O'Hara and Moynahan, who crossed certain lines, too. You, at this point, I assure you, will get what you deserve. Pow! Bang! Splat! I really, truly and sincerely wish you were dead.

I am very much looking forward to putting you in your place, Mr. Pfaff. You disgust me. You are absolute filth [proof positive that a suit and tie ultimately doesn't not make a person "good" or "respectable"]. Yeah, remember Stearns and the whole Laveroni default? Sure you do. And surely, you will pay the price some day for the many days of incarceration I had to endure BECAUSE OF YOU Mr. Hired in 2007 Over A Year Before The September 2008 Trial That Gave You Summary Judgement Pfaff.

Oh, how I wish a 10-ton I-beam would fall on you, O'Hara, Rooney and Shelly right now. Splat! Boy, would I love to see that!

Perhaps someday I will [or, at least, an equivalent experience]. As far as I am concerned, neither you nor your partners in crime deserve your freedom right now.

From now on, be sure and watch your backside, Mr. Pfaff. God may step up to the plate at any moment. I dunno, I got this feeling someone's going to get hurt REAL BAD. And it ain't gonna be me.

Here's to Law and Order. And yes, you can expect a full briefing from me in the coming days addressing your truth-twisting truth-burying masterpiece of a motion. Rationalize all you want but come Judgment Day you've had it.

Jeffrey Clemens

3:10 MJ 7020

Attachment B

FILED

2010 MAR 17 AM 10:39

CLERK U.S. DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
TOLEDO

**From:** Sunhuron3@aol.com [mailto:Sunhuron3@aol.com]

**Sent:** Monday, March 08, 2010 10:34 PM

**To:** pvinchesi@town.scituate.ma.us

**Subject:** Fwd: For Your Information

Mr. Vinchesi:

You all might be digging yourself a grave.

Jeffrey